

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2117

Introduced by Assembly Members Goldberg and Coto

February 17, 2006

~~An act to amend Section 313 and 60200 of, and to add Section 322 to, the Education Code, relating to English language learners. An act to add Sections 60650 and 60850.5 to, and to add Chapter 5 (commencing with Section 420) to Part 1 of, the Education Code, relating to English language learners.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2117, as amended, Goldberg. English language learners: waivers.

Existing law establishes the English Language Acquisition Program for pupils in grades 4 to 8, inclusive, and requires the Superintendent of Public Instruction to allocate \$100 per school year to each participating local educational agency for each pupil enrolled in any of those grades who is identified as eligible to participate in the program.

This bill would require the State Department of Education to establish and administer a three-year competitive grant pilot project to commence September 1, 2007. The goal of the pilot project is to inform curriculum, instruction, inservice staff development, and levels of teacher certification regarding the most effective practices for teaching English language learners and promoting English language acquisition and development. The bill would authorize a school district that contains at least one elementary school with at an enrollment of at least 100 English language learners, middle or junior

high school with an enrollment of at least 200 English language learners, or high school with an enrollment of at least 300 English language learners to apply on behalf of the eligible school or schools to the department for a grant of five hundred dollars (\$500) per English language learner for each of the three years of the pilot project. The bill would require the department to require each school district that is selected to receive a grant to provide up to \$500 per pupil of its own funds to match the funds provided in the grant. The bill would require the department, in consultation with the University of California and the county offices of education of the Counties of Los Angeles, San Bernardino, San Diego, San Joaquin, and Santa Clara, as part of that pilot project, to develop a plan for a training program for English language teachers, school and school district administrators, and classified staff, as specified.

This bill would provide that those provisions will become operative only if an appropriation is made for those purposes in the annual Budget Act or other statute.

Existing law establishes various statewide academic assessments, including the Standardized Testing and Reporting Program.

The bill would require each school district in the state to provide each English language learner who has been attending public schools in the state for less than three years with extra support and assistance on all statewide academic assessments, as specified. By requiring school districts to provide this additional support and assistance, the bill would impose a state-mandated local program.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the state board, as specified. Existing law requires, commencing with the 2003–04 school year and in each school year thereafter, each pupil completing grade 12 to successfully pass the exit examination as a condition of graduation from high school.

This bill would require the Superintendent to review and modify that examination to reduce any unnecessary linguistic complexity without reducing the academic rigor of the examination. The bill would also require the department to ensure that English language learners who are taking the high school exit examination are provided test directions and glossaries for the examination that are translated into

the 50 most common primary languages spoken by English language learners. To the extent that this bill would require schools and school districts to modify their academic tests and provide additional test materials to pupils, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law, Proposition 227, an initiative statute approved by the voters at the June 2, 1998, statewide primary election, requires the state to encourage family members and others to provide personal English language tutoring to pupils coming from backgrounds of limited English proficiency. Existing law requires a school district that has one or more pupils who are English learners to assess each pupil's English language development in order to determine the level of proficiency for these purposes. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the specified assessment and for the reclassification of a pupil from English learner to proficient in English. Existing law requires the reclassification procedures developed by the department to utilize multiple criteria in determining whether to reclassify a pupil as proficient in English, including several listed assessment criteria.~~

~~This bill would include, within the listed assessment criteria, assessment of academic proficiency using a primary language assessment instrument under the Standardized Testing and Reporting (STAR) Program, if that assessment instrument is available.~~

~~(2) Existing law requires all pupils in California public schools to be taught English by being taught in English language classrooms, except as specified. Existing law authorizes this requirement to be waived with the prior written informed consent, to be provided annually, of the pupil's parents or legal guardian under certain, specified circumstances. "Informed consent," for these purposes, requires that the parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full~~

~~description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the pupil. Under these parental waiver conditions, a pupil may be transferred to classes where he or she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 pupils or more of a given grade level receive a waiver are required to offer those classes or allow the pupil to transfer to a public school in which those classes are offered.~~

~~This bill would require a school district that has one or more pupils who are English language learners to inform in writing the parent or legal guardian of each of those pupils that the parent or legal guardian has the right to request the waiver described above. Because this requirement would impose additional duties upon school districts, the bill would establish a state-mandated local program.~~

~~The bill would provide that if a pupil's parent or legal guardian has been denied the option of requesting the specified waiver, or has been provided with false or misleading information relating to the right to request the waiver, that parent or legal guardian shall have legal standing to sue for enforcement of the waiver provisions, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. The bill would provide that a school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the waiver provisions by failing to inform parents or legal guardians regarding their rights under those provisions, or by providing false or misleading information regarding those rights, may be held personally liable for fees and actual damages by a pupil's parent or legal guardian.~~

~~The bill would make it an infraction, punishable by specified fines, for a school board member or other elected official or public school teacher or administrator to refuse to implement the waiver provisions by willfully failing to inform parents or legal guardians regarding their rights under those provisions, or by willfully providing false or misleading information regarding those rights. The bill would establish a state-mandated local program by creating a new infraction.~~

~~(3) Existing law requires the state board to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for school district governing boards. Existing law requires the state board to adopt at least 5 basic instructional materials for all applicable grade~~

levels in the categories of language arts, including spelling and reading; mathematics; science; social science; and bilingual or bicultural subjects.

This bill would delete the requirement that the state board adopt basic instructional materials in the category of bilingual or bicultural subjects and, instead, would require the state board to adopt basic instructional materials in the category of English language development.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 420) is
2 added to Part 1 of the Education Code, to read:

3
4 CHAPTER 5. ENGLISH LANGUAGE LEARNER ACQUISITION AND
5 DEVELOPMENT PILOT PROGRAM

6
7 420. (a) The department shall establish and administer a
8 three-year competitive grant pilot project to commence on
9 September 1, 2007. The goal of the pilot project is to inform
10 curriculum, instruction, inservice staff development, and level of
11 teacher certification regarding the most effective practices for
12 teaching English language learners and promoting English
13 language and academic English acquisition and development.

14 (b) The pilot program may include, but is not limited to, any of
15 the following:

1 (1) Additional hours per schoolday or additional days per
2 school year for purposes of providing English language
3 instruction.

4 (2) Continued academic support and services for redesignated
5 fluent-English-proficient pupils.

6 (3) Special services and programs for pupils who recently
7 enrolled in a school for the first time.

8 (c) A school district that contains at least one elementary
9 school with at an enrollment of at least 100 English language
10 learners, middle or junior high school with an enrollment of at
11 least 200 English language learners, or high school with an
12 enrollment of at least 300 English language learners may apply
13 on behalf of the eligible school or schools to the department for a
14 grant of five hundred dollars (\$500) per English language
15 learner for each of the three years of the pilot project. A school
16 district that is selected to receive a grant shall agree to allow the
17 independent research organization that conducts the evaluation
18 pursuant to subdivision (e) unlimited access to information
19 regarding the results of participation by the eligible school or
20 schools in the pilot project for purposes of collecting data.

21 (d) The department shall require each school district that is
22 selected to provide up to five hundred dollars (\$500) per pupil of
23 its own funds to match the funds provided in the grant. The
24 department shall establish criteria for evaluating grant
25 applications and selecting applicant school districts to receive
26 grants. The criteria shall ensure the selection of a diverse mix of
27 schools that represent all of the following:

28 (1) Urban, suburban, and rural schools from the various
29 geographic regions of the state.

30 (2) Various instructional approaches, including, but not
31 limited to, structure English immersion, bilingual instruction,
32 dual language immersion, and mainstream instruction.

33 (3) Enrollment of pupils of low socioeconomic status and of
34 varying levels of academic proficiency and performance as
35 measured by the Academic Performance Index pursuant to
36 Article 2 (commencing with Section 52051) of Chapter 6.1 of
37 Part 28.

38 (e) The department shall contract with an independent
39 research organization to perform an evaluation of the pilot
40 project based on a representative sample of 50,000 English

1 language learners from participating urban, suburban, and rural
2 schools from various geographic regions throughout the state.
3 The evaluation shall be performed using funds other than those
4 appropriated for purposes of this chapter. It is the intent of the
5 Legislature that the completed evaluation highlight successful
6 programs of English language instruction that can be used as
7 models for other schools. A report summarizing the findings of
8 the evaluation shall be submitted to the Superintendent, the
9 Governor, and the Legislature by November 1, 2011. The
10 Superintendent shall review the report and submit an additional
11 report to the Legislature that makes recommendations based on
12 the evaluation by the independent research organization.

13 (f) It is the intent of the Legislature to enact legislation that
14 provides flexibility to schools and school districts that receive
15 grants and participate in the pilot project pursuant to this section
16 with regard to restrictions imposed by state law and school
17 district policies and regulations that may hinder the participation
18 by those schools and school districts.

19 421. (a) A consortium that includes the department, the
20 University of California, the California State University, and the
21 county offices of education of the Counties of Los Angeles,
22 Orange, Riverside, San Bernardino, San Diego, San Joaquin,
23 and Santa Clara, shall develop a plan for a training program for
24 English language teachers, school and school district
25 administrators, and classified staff by doing all of the following:

26 (2) By April 1, 2007, meet to prepare plans to provide training
27 to English language teachers regarding the pilot project
28 established pursuant to this chapter.

29 (3) By May 1, 2007, develop a database of teachers in the
30 state with the requisite knowledge and skills to teach language
31 acquisition, including academic English, to teach content
32 standards to English language learners, and to engage with the
33 families of English language learners in the process of language
34 acquisition.

35 (4) By June 1, 2007, develop core program elements, peer
36 coaching models, and effective instructional programs based on
37 content standards adopted by the state board to first be used for
38 training in the counties described in this subdivision and to be
39 used subsequently throughout the state.

(5) *Develop a set of embedded formats to be used by schools and school districts that participate in the pilot project established pursuant to this chapter to assist those schools and districts in the implementation of effective English language instructional strategies. The embedded formats may include, but are not limited to, demonstration teaching, classroom visits, learning circles, and team teaching.*

(6) *By September 1, 2007, both of the following:*

(A) *Publish and release a list of qualified teacher trainers, criteria for those trainers, instructional programs and program elements, and a calendar that documents the delivery schedule for training.*

(B) *Direct the commencement of teacher training in each of the counties described in this section.*

(7) *By October 1, 2007, commence data collection regarding the structure and operation of the training program.*

(8) *By June 1, 2008, develop effective instructional programs for school and school district administrators and classified staff.*

(9) *By September 1, 2008, all of the following:*

(A) *Direct the commencement of training for school and school district administrators and classified staff.*

(B) *Commence comparative data collection regarding the impact of the training program established pursuant to this section on classroom instruction and pupil learning.*

(C) *Direct the commencement of training in all other counties in the state other than those described in this subdivision.*

(10) *By September 1, 2009, direct the commencement of training for school and school district administrators and classified staff in all other counties in the state other than those described in this subdivision.*

(b) *Subdivision (a) shall apply to the University of California only if its participation is approved by resolution of the Regents of the University of California.*

422. *This chapter shall become operative only if an appropriation is made for its purposes in the annual Budget Act or other statute.*

SEC. 2. *Section 60650 is added to the Education Code, to read:*

60650. *A school district shall provide each English language learner who has been attending public schools in the state for*

1 *less than three years with extra support and assistance on all*
2 *statewide academic assessments, including, but not limited to,*
3 *supplemental test booklets translated into the three most common*
4 *primary languages spoken by English language learners and*
5 *having the examination read to the pupil in his or her primary*
6 *language.*

7 *SEC. 3. Section 60860.5 is added to the Education Code, to*
8 *read:*

9 *60850.5. (a) The Superintendent shall review and modify the*
10 *high school exit examination to reduce any unnecessary*
11 *linguistic complexity without reducing the academic rigor of the*
12 *examination.*

13 *(b) The department shall ensure that English language*
14 *learners who are taking the high school exit examination are*
15 *provided test directions and glossaries for the examination that*
16 *are translated into the 50 most common primary languages*
17 *spoken by English language learners in the state.*

18 *SEC. 4. If the Commission on State Mandates determines that*
19 *this act contains costs mandated by the state, reimbursement to*
20 *local agencies and school districts for those costs shall be made*
21 *pursuant to Part 7 (commencing with Section 17500) of Division*
22 *4 of Title 2 of the Government Code.*

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<p>All matter omitted in this version of the bill appears in the bill as amended in Assembly, February 17, 2006 (JR11)</p>
